

REMARKS

Pending Claims

Claims 1-10 are pending in this application. Claim 1 has been amended. No new matter has been added.

Claim Rejections Under 35 U.S.C. §112

Claims 1-10 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter of the invention. Claim 1 is rejected under 35 U.S.C. §112, second paragraph, as being indefinite in that it fails to point out what is included or excluded by the claim language.

In particular, claim 1 has been rejected for being an omnibus type claim. However, applicants point out that an omnibus claim is generally of the form “a device substantially as shown and described”. Claim 1 refers to the transport plane E_1 , which is shown in Figure 7 of the present application, for example. However, this inclusion in the claim of the reference transport plane, which has been deleted by the present amendment, does not make the claim an omnibus claim. Accordingly, reconsideration of the rejection is requested.

According to the present invention, an apparatus suitable for processing meat, such as that of a fish, is transported in a direction (T) toward a cutting element 12 which cuts or trims the meat with respect to a counter-surface 13. A threading element which is preferably an integral component of the counter surface, is arranged

in the area of the cutting element and enables a reliable “lifting on” of the meat to be processed so that the meat runs up against the counter-surface where it is cut or trimmed by the cutting element. See page 2, lines 8-15 and page 4, lines 17-24 of the Specification.

Details of the counter-surface 13 and threading element 14 are shown in Figures 4-8. The counter-surface 13 is a flat element with a slit 26 which receives the circular blade 17. The threading element 14 extends opposite the transport direction T and is shown to be an extension of the counter-surface 13. As shown in Figure 7, the threading element preferably has an axis 29 that is bent at an angle with respect to the cutting plane E2, which provides the support in claim 1 for the threading element being bent in respect of the counter-surface.

Claim Rejections Under 35 U.S.C. §102

Claims 1-4 are rejected under 35 U.S.C. §102(b) as being anticipated by Basile et al, U.S. Patent No. 6,213,863. Basile is relied upon for disclosing each and every feature of the claims 1-10. (Applicants note that claims 1-4 are set forth in the rejection, however claims 1-10 are discussed as being rejected). Applicants request reconsideration of the rejection for the following reasons.

Basile discloses an apparatus for skinning and does not include the claimed threading element set forth by applicants. In the rejection, the threading element is disclosed to be in the vicinity of 70, which apparently refers to flipper plate 56 as shown in Figures 5 and 6. Flipper plate 56 does not perform the function of the

threading element claimed by applicants, however. Rather, the flipper plate is designed to hold the meat in a position so that it is exposed to the conventional skinning or trimming blade 24 for a predetermined period of time before it is moved forward and downwardly for deposit on a discharge conveyor 78 as a result of the flipper plate 56 pivoting into the position shown in Figure 6. Accordingly, Basile does not anticipate claims 1-9.

Claim 10, which is directed to the method of the invention, discloses transporting the meat into an area of the cutting element in which the meat is threaded by a threading element before running up against the counter-surface, and wherein the meat is at least partially lifted from the side and then guided onto the counter-surface. WIPO '090 shows a cutting device, for example in Figure 14, having a foot plate 62. However, the foot plate 62 does not meet the limitation of the combination of the counter-surface and the threading element set forth in claim 10. Accordingly, the rejection of claim 10 under 35 U.S.C. §102(b) should be withdrawn.

Serial No. 10/590,774
Amendment
Responsive to Office Action dated March 5, 2008

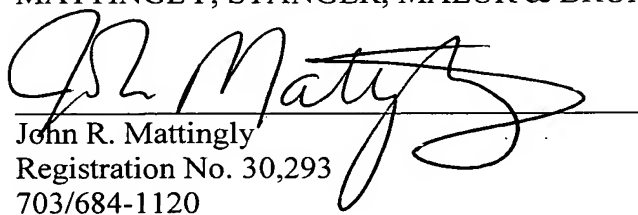
WK-5391

Conclusion

In view of the foregoing, Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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Date: July 7, 2008

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